

PLANNING COMMISSION MINUTES

January 19, 2010

7:00 P.M.

Present: Chairman Clark Jenkins, Ray Keller, Dave Badham, Michael Allen, City Council Representative Beth Holbrook, City Attorney Russell Mahan, City Engineer Paul Rowland, Planning Director Aric Jensen, and Recording Secretary Connie Feil.

Absent: Vice-Chairman Tom Smith and Barbara Holt.

Clark Jenkins welcomed all those present.

Beth Holbrook made a motion to approve the minutes for January 5, 2010 as amended. Ray Keller seconded the motion and voting was unanimous in favor.

1. Consider preliminary and final PUD plan approval for Andrews Planned Unit Development located at 260 E. 400 N., Stanford Andrews, applicant.

Stanford Andrews, applicant, was present. Paul Rowland explained that Mr. Andrews is requesting to change his existing 5 unit apartment complex to a PUD. This property is part of the variance/lot-line adjustment that was approved last year involving the previous owner, Dan Wight.

The legal description is the same as previously approved, the only change is the ownership from one owner to five owners. Staff has reviewed the proposed plat and believes it is ready for approval with the following conditions:

1. Submit the signed, final/corrected mylar sheets ready for utility signatures.
2. Submit a current title report.
3. Payment of fees as follows:
 - a. Checking fee \$500.00
 - b. Recording fee \$ 40.00

Aric Jensen mentioned that it has been brought to his attention that Mr. Wight has not built the fence on the east side of the property as required at the time of site approval. This will need to be added as an additional condition. Also, the fence between the house and Unit 5 needs to be relocated as required in the variance approval.

Dave Badham made a motion to send to the City Council preliminary and final plat approval for Andrews Planned Unit Development subject to the conditions outlined by Staff and the following additional conditions:

4. A fence be installed along the east property line as required in the original site plan approval.
5. Relocation of the fence between the house and Unit 5 as required in the variance approval.

Michael Allen seconded the motion and voting was unanimous in favor.

2. PUBLIC HEARING - Consider revisions to Title 14 of the Bountiful City Land Use Ordinance.

Clark Jenkins explained the public hearing procedure to those present.

The Public Hearing was opened for those with comments or concerns.

Mr. Jenkins invited Mr. Jensen to lead off the discussion of the proposed changes.

Mr. Jensen explained that this year, due to the General Plan update process, the Planning Department is behind schedule. The 2010 compilation of the Land Use Ordinance won't be printed until March. Typically it is printed every January.

The proposed schedule for reviewing and recommending changes to the Land Use Ordinance is as follows:

January 19	Planning Commission holds public hearing and recommends changes to Staff.
February 02	Planning Commission reviews changes and makes a recommendation to the City Council.
February 09	City Council holds a public hearing and recommends changes (if any) to Staff.
February 23	City Council considers ordinance to adopt changes as drafted.

Mr. Jensen stated that a portion of the proposed revisions are either technical or procedural changes, and are the results of revisions to State Law and recent judicial decisions. Another portion consists of corrections to errors, renumbering, and consolidating duplicate/conflicting provisions. Lastly, there are several items that represent significant changes to the Ordinance. It is those items that he will discuss in detail.

Planned Unit Developments

Mr. Jensen stated that one of the recommendations in the Land Use Master Plan is to reduce the single family PUD threshold to a 2 acre minimum. The logic is that most of Bountiful is developed, that the few remaining undeveloped parcels have challenges that make them difficult to develop, and that PUD's are a good tool for making use of challenging parcels.

The Planning Commission discussed the topic at length, and there were differing opinions regarding the topic. The general consensus was to continue the discussion until the next meeting.

Mr. Jensen stated that, as a corollary to reducing the minimum PUD size, the City should also eliminate any density bonus incentives. I.e., as mentioned previously, the only development option for most of the remaining parcels of ground is a PUD. And since most of these parcels have development challenges, it doesn't make sense for the City to promote additional density.

There was a general consensus amongst the Planning Commission members that this was a good idea.

Mr. Jensen stated that the City's current requirement for a multi-family residential condominium plat is a minimum of 4 units. Since a residential multi-family PUD plat is simply an alternative style of residential multi-family ownership, it should have the same 4 unit threshold instead of a minimum acreage threshold.

The Commission agreed with the proposal.

Urban Agricultural Uses

Mr. Jensen stated that there is a growing interest across the country to allow chickens and other domestic farm animals in residential areas in order to promote self-sustainability. He has been contacted by several residents in Bountiful who are interested in this concept. He asked the Commission, and those members of the public present, their opinion on the matter.

The Planning Commission was clearly divided on the issue. Some commissioners thought that domestic fowl could be allowed on a limited basis, while others thought that they were a nuisance and shouldn't be allowed under any condition.

Several persons from the public spoke on the issue. They were generally supportive of the concept, but did not strongly endorse it.

The Commission decided to continue discussing this item at the next meeting.

Mr. Jensen then broached the issue of allowing domestic farm animals within a specific zone. He stated that the Land Use Master Plan recommends creating an urban agricultural zone that could be implemented in specific areas of the City, such as Val Verda. He presented his proposal, which is to create a subzone within the existing Residential Single-Family Zone which would allow certain domestic farm animals based on a point system.

The Commission and members of the public discussed this concept at length. One of the issues raised was where barns, coops, and other animal enclosures could be located in relation to adjacent properties. Mr. Jensen and Mr. Rowland, (City Engineer), stated that there were existing provisions in the City Code that addressed those issues.

At the end of the discussion, there was a general consensus amongst the Commissioners and the public that the proposal should be recommended to the Council with minor revisions.

Accessory Buildings

Mr. Jensen referred to several diagrams and other information that he had written on the white board prior to Commission Meeting. He stated that several members of the Commission and the general public had expressed concerns about the inordinately large accessory buildings being built in residential zones.

Mr. Jensen then led a discussion regarding the various ways to regulate accessory building height, size, and location. He stated that he believed that there was a correlation between lot size and the maximum size of accessory building that should be allowed. He proposed a system that would allow accessory buildings through a permitted use process, or a conditional use process, based on certain criteria. The Planning Commission and members of the public discussed the issue at length, and eventually reached a consensus that Mr. Jensen should submit his proposal in writing at the next meeting.

Mr. Jensen then discussed the issue of what types of uses should be allowed within accessory structures in residential single-family zones. He stated that currently, the City allows accessory in-law apartments within a single family structure, but not within a detached structure. In his opinion, this was an unnecessary distinction. He also stated that the term “Accessory In-Law Apartment”, should probably be replaced with the more common term of “Accessory Dwelling Unit”.

Mr. Jensen continued, stating that several citizens had approached him about allowing home offices in detached accessory buildings. Currently, the Ordinance does not allow any business use in an accessory structure.

After substantial deliberation, the Commission did not reach a consensus regarding accessory dwelling units in a detached structure, however, they did agree that professional offices could be allowed under certain conditions.

Mr. Jensen stated that he would bring some specific language for the Commission to consider at the next meeting.

Chairman Jenkins ascertained that there weren't any other items that needed to be discussed. He stated that the public hearing would remain open until the meeting of February 02, 2010.

Meeting adjourned at 8:15 pm.